

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
CHATTANOOGA DIVISION**

STACY STROBL and BRIAN
HARDING, on behalf of themselves and
all others similarly situated,

Plaintiffs,

v.

PAUL CROFT; JONATHAN FROST;
RHINO ONWARD INTERNATIONAL,
LLC; ROI FUND I, LLC; ROI FUND II,
LLC; ROI FUND III, LLC; ROI FUND
IV, LLC; BRIAN KAWAMURA; CROFT
& FROST, PLLC; THE WELL FUND
LLC; SCORPIO REF, LLC; MATTHEW
DIRA; THE DIRA GROUP; CHESTNUT
HOLDINGS, LLC; STEPHEN FROST;
LISA FROST; JOSEPH
INVESTMENTS, LLC; JANE and
JOHN DOES 1-25,

Defendants.

Case No. 1:24-cv-140

District Judge: Curtis L Collier
Magistrate Judge: Christopher H
Steger

CLASS ACTION

JURY TRIAL DEMANDED

PLAINTIFFS' RULE 21 MOTION TO DROP PAUL CROFT AS PARTY

Plaintiffs Stacy Strobl and Brian Harding move the Court pursuant to Rule 21 to drop Defendant Paul Croft from the case.

In the Sixth Circuit, Rule 21, not Rule 41(a) governs the dismissal of claims against fewer than all defendants. *See Cunningham v. Rapid Capital Funding, LLC/RCF*, No. 3:16-CV-2629, 2019 WL 5783670, at *1 (M.D. Tenn. Nov. 6, 2019) (Richardson, J.); *Ebert v. Equifax Info. Servs., LLC*, No. CV 5:19-165-KKC, 2020 WL 13534201, at *1 (E.D. Ky. Apr. 22, 2020) (“[W]hen seeking to dismiss fewer than all claims or parties, the Sixth Circuit instructs parties to utilize Fed. R. Civ. P. 21...”).

Rule 21 provides that “on motion or on its own motion, the court may at any time, on just terms, add or drop a party.” *Ebert*, 2020 WL 13534201, at *1 (quoting the Rule).

On July 15, 2024, the Court granted Plaintiffs’ request to extend the service period for Paul Croft after Plaintiffs’ counsel were unable to locate him and directed Plaintiffs to serve him by September 1, 2024. DE# 47.

Despite best efforts, Plaintiffs have not been able to locate him at the numerous publicly available addresses affiliated with him. Plaintiffs believe that at this time, the case is best to proceed without Mr. Croft and if Plaintiffs are able to locate him, may move the court to add him once he is located and subject to service. Plaintiffs’ therefore request any dismissal be without prejudice.

Dated: September 3, 2024

Respectfully submitted,

By: /s/ Benjamin A. Gastel

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of September, 2024, I electronically filed the foregoing documents using the Court's CM/ECF system, and a copy of this filing will be sent electronically to the registered participants as identified on the Notice of Electronic Filing. The following counsel will receive service either by U.S. Mail, pre-paid postage, and/or the Court's CM/ECF system at the email addresses listed below:

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